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CHECKMATE.COM INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ARJUN VASAN,

Plaintiff,

v.

CHECKMATE.COM, INC.,

Defendant.

CHECKMATE.COM, INC.,

Counterclaim-Plaintiff,

v.

ARJUN VASAN,

Counterclaim-
Defendant.

Case No. 2:25-CV-00765-MEMF-JPR

Hon. Maame Ewusi-Mensah
Frimpong

**CHECKMATE.COM INC.'S
OBJECTION AND REQUEST TO
STRIKE IMPROPER MATTERS
RAISED IN PLAINTIFF ARJUN
VASAN'S REPLY AND NOTICE
OF ERRATA IN SUPPORT OF
HIS MOTION TO DISMISS**

Complaint Filed: January 28, 2025
Amended Complaint Filed: February
21, 2025

OBJECTION AND REQUEST TO STRIKE IMPROPER MATTERS
RAISED IN REPLY

Defendant and Counterclaimant Checkmate.com, Inc. (“Checkmate”) respectfully objects to Plaintiff and Counterclaim-Defendant Arjun Vasani (“Plaintiff” or “Vasani”)’s [Proposed] Memorandum in Reply (Dkt. 97) and purported errata (Dkt. 98 and 98-1) (together, the “Reply”) on the ground and to the extent that these documents improperly introduce new arguments and purported evidence previously omitted from his moving papers. These arguments and evidence include, but are not limited to, the following:

- Vasani’s contention that Checkmate’s “Counterclaims Rely on Coerced Pre-Suit ‘Admissions’” (Dkt. 97 at 13:25-14:14), suggesting that these admissions were made under “duress” and thus inadmissible.
- Vasani’s accusation of “evidentiary withholding” as supposed proof of bad faith. (*Id.* at 14:15-20.)
- Vasani’s section titled “Checkmate’s Contractual Overreach is Unconscionable on the Pleadings,” which argues that the agreements between Vasani and Checkmate are procedurally and substantively unconscionable. (*Id.* at 12:6-13:4.)
- New purported evidence, none of which is properly considered in the Rule 12 context, as exhibits. (*See* Dkt. 97-5, Ex. D-1, D-2, D-3, D-4.)
- The entirety of Vasani’s additional unauthorized surreply containing hundreds of new words of evidence and argument. (Dkt. 98 and 98-1.)

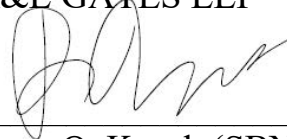
None of these matters are properly raised in reply, and so Checkmate hereby objects and requests that the Court strike and disregard these new matters. Should the Court exercise its discretion to consider any of these matters, Checkmate further respectfully requests leave to file a surreply in response. *See Zamani v. Carnes*, 491 F.3d 990, 997 (9th Cir. 2007) (“The district court need not consider arguments raised for the first time in a reply brief”) (citing *Koerner v. Grigas*, 328 F.3d 1039, 1048 (9th

1 Cir. 2003)); *U.S. ex rel. Giles v. Sardie*, 191 F.Supp.2d 1117, 1127 (C.D. Cal. 2000)
2 (“It is improper for a moving party to introduce new facts or different legal arguments
3 in the reply brief than those presented in the moving papers”) (citing *Lujan v. National*
4 *Wildlife Federation*, 497 U.S. 871, 894-95 (1990)); *Dragu v. Motion Picture Indus.*
5 *Health Plan for Active Participants*, 144 F.Supp.3d 1097, 1113 (N.D. Cal. 2015)
6 (finding that the moving party forfeited its right to assert arguments and evidence
7 presented for the first time in its reply brief as the opposing party has not been able to
8 respond to the new argument); *U.S. v. Boyce*, 148 F.Supp.2d 1069, 1085 (S.D. Cal.
9 2001) (concluding that an argument “not presented in [the moving parties’] moving
10 papers” should not be considered by the court “as it is improper for a party to raise a
11 new argument in a reply brief”).

12
13 Date: October 2, 2025

Respectfully submitted,

14 K&L GATES LLP

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23 *Claimant CHECKMATE.COM INC.*

CERTIFICATE OF WORD COUNT

The undersigned, counsel of record for Defendant certifies that this brief contains 423 words, which complies with the word limit of L.R. 11-6.1.

Date: October 2, 2025

Respectfully submitted,

K&L GATES LLP



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